



Democratic Policy and Communications Committee (DPCC) Hearing

“Voting Rights Under Fire: Democratic Ideas to Protect and
Strengthen Americans’ Constitutional Right to Vote”

Tuesday, September 19, 2017

**Written Statement of Sherrilyn Ifill, President and Director-Counsel,
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Thank you, Chairwoman Stabenow, for convening this timely and important hearing, and for the invitation to appear and share my views. In my brief statement, I’d like to provide context for our discussion today, and explain why the current moment demands urgent congressional action to restore the full protections Voting Rights Act of 1965, a vital civil rights law left weakened by the Supreme Court’s 2013 decision in *Shelby County v. Holder*.

LDF has been on the frontlines of the fight for equal voting rights since its founding in 1940, using litigation, policy advocacy, and public education to promote the full participation of African-Americans in our democracy. That fight continues today, and LDF is currently challenging discriminatory voting laws in courts around the country.

After the violent acts of domestic terror in Charlottesville, Americans have started a national conversation about white supremacy—one that, while long overdue, has been largely encouraging. Political leaders of both parties have roundly rebuked white supremacy as a repugnant force that must be eradicated from American life. Last week, Congress approved a measure condemning white supremacists and calling on the Justice Department to investigate and prosecute hate groups who foment racial violence.

Those responses are appropriate and welcome but incomplete. We cannot have a full conversation about white supremacy in this country without also talking about the right to vote. And we cannot fully defeat white supremacy unless Congress acts to ensure that state-sponsored discrimination is not a barrier between voters of color and the polls.

The truth is that the intimidation and disenfranchisement of Black voters has always been central to American white supremacy. For decades, states and local jurisdictions suppressed votes with poll taxes, literacy tests, and needlessly confusing registration requirements. Today, they use strict voter ID laws, voter roll purges, proof of citizenship requirements, and racial gerrymandering. It is the same

discrimination in different forms. A federal court in Texas recognized as much when it found that the state's voter ID law "constitutes an unconstitutional poll tax."¹

And that decision is just one of many. Since 2013, there have been at least ten federal court decisions finding that states or localities *intentionally* discriminated against African-Americans and other voters of color. I have submitted the full list for the record; it includes cases from Texas, Louisiana, Wisconsin, and North Carolina—including the Fourth Circuit's 2016 finding that voting restrictions in North Carolina, including a strict voter ID law, "target African Americans with almost surgical precision."²

These findings of intentional discrimination document white supremacy in action. If Congress is to fight and oppose white supremacy then it must protect the right of African Americans and other people of color to vote. In 1965, Congress responded with the Voting Rights Act, which for nearly 50 years was perhaps the most effective civil rights statute in our nation's history. Now Congress must restore the full protections of that law, closing the floodgates for discriminatory voter suppression laws that the Supreme Court opened with *Shelby County*.

I look forward to your questions. Thank you.

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¹ *Veasey v. Perry*, 71 F. Supp. 3d 627, 633 (S.D. Tex. 2014).

² *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204, 214 (4th Cir. 2016).